

REMARKS

I. General Remarks

Claims 3, 4, 12, and 18-28 are all the claims currently pending in the application.

Claims 3, 4, 12, and 28 (Group I) and Claims 18-27 (Group II) stand restricted. With this Amendment, Applicants elect Claims 3, 4, 12, and 28 of Group I for examination and withdraw Claims 18-27.

Claim 4 stands objected to. Applicants respectfully submit that the objection to Claim 4 is unclear. Applicants submit that the apparent objectionable language of Claim 4 (“new data regarding at least one of a new service category and a new QOS class”) is in proper form and does not require antecedent basis. Further, Applicants submit that this limitation of Claim 4 is properly supported by specification. Therefore, Applicants respectfully request that the Examiner withdraw the objection to Claim 4.

II. Claims 3-4, and 12

Claims 3-4 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Soumiya et al., U.S. Patent No. 5,696,764 (“Soumiya”), in view of Ichikawa, U.S. Patent No. 6,301,253 (“Ichikawa”). Applicants respectfully traverse the rejection for the following reasons.

Applicants submit that a reasonable combination, if any, of Soumiya and Ichikawa fails to teach or suggest: “wherein the data processing device is capable of adding and storing new data regarding at least one of a new service category and a new QOS class.” (Claim 4). The

Examiner acknowledges that Soumiya fails to disclose this limitation and therefore relies on Ichikawa. (Office Action, page 4).

Ichikawa is generally directed to an ATM circuit having a plurality of input buffer units. More specifically, each input buffer unit has a plurality of queues having three delay quality classes, QOS#1, QOS#2, and QOS#3. (Ichikawa, col. 8, Ins. 1-2). A value of each of the delay quality classes can range from 1-5, and each delay quality class is initially set to have a range of 2, 3, or 4. (Col. 8, Ins. 3-7). As disclosed in column 8, to which the Examiner refers, QOS#1 is set to value 2, QOS#2 is set to value 3, and QOS#3 is set to value 4. It is provided that the delay quality class with a value 2 is not to be used and those with values of 3 and 4 are to be used. Therefore, QOS#1 is unused and QOS#2 and QOS#3 are used. (Ichikawa, col. 8, Ins. 13-24). Subsequently, when it is desired to start a new service, a table modifying unit changes the value of existing QOS#1 from 2 to 3 and changes the value of existing QOS#2 from 3 to 2. (Ichikawa, col. 8, Ins. 25-38). According to the disclosure of Ichikawa, therefore, there are only three delay quality classes (QOS#1, QOS#2, and QOS#3), which don't change. The disclosure provides that the value of the classes, which determine which of the existing classes are utilized, may change, but that the classes themselves do not change, and no new service categories or classes are added.

For at least these reasons, Applicants submit that a reasonable combination, if any, of Soumiya and Ichikawa fails to disclose or suggest "wherein the data processing device is capable of adding and storing new data regarding at least one of a new service category and a new QOS class," as recited in Claim 4, and therefore that Claim 4 is patentable over this combination of

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO. 09/313,079
ATTORNEY DOCKET NO. Q54398

references. Further, Applicants submit that Claims 3 and 12 are patentable at least by virtue of their dependence on Claim 4. Therefore, Applicants respectfully request that the Examiner withdraw the §103(a) rejection from Claims 3, 4, and 12.

III. Claim 28

The Examiner has indicated that Claim 28 contains allowable subject matter and would be allowable if rewritten into independent form including all of the limitations of the independent claim from which it depends. Applicants have rewritten Claim 28 including all of the limitations of Claim 4, from which it previously depended, and respectfully submit that Claim 28 is currently in condition for allowance.

IV. New Claim 29

Applicant has added new Claim 29 in order more fully to cover various aspects of Applicants' invention as disclosed in the specification.

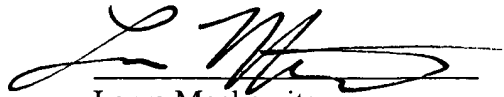
V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO. 09/313,079
ATTORNEY DOCKET NO. Q54398

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Laura Moskowitz
Registration No. 55,470

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 15, 2004